



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-010**

June 20, 2003

Bruce and Bonnie Bean
25 Kearsarge Mountain Rd
Andover, NH 03216

RE: DES Wetlands File #2003-00789 Stonebridge Road, Wilmot

Dear Mr. and Mrs. Bean

On May 15, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wilmot Tax Map 11 as Lot 13 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 1,500 square feet of fill for road construction had been placed in jurisdictional wetlands without a permit from DES.
2. Approximately 1,000 square feet of fill for lot development had been placed in jurisdictional wetlands without a permit from DES.

In response, you are requested to take the following actions

1. By July 7, 2003, retain a qualified wetlands scientist to develop a plan to restore the impacted areas.
2. By July 14, 2003, submit documentation to the DES Wetlands Bureau that a qualified wetlands scientist had been retained.
3. By September 7, 2003, submit a restoration plan to DES that includes the following:
 - a. A plan with dimensions, to scale, indicating:
 - i. Delineation of wetlands prior to filling; and
 - ii. Delineation of existing conditions showing the extent of filling;
 - b. A plan for re-establishing the wetland to its original footprint;

- c. A proposed means for erosion and sediment controls;
- d. A proposed schedule and construction sequence listing equipment and methods for accomplishing restoration;
- e. A proposed planting plan for the re-establishment of wetland vegetation; and
- f. A proposed monitoring plan, including at least one restoration progress report to be filed with DES after the end of the growing season.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Mary Ann Tilton at (603) 271-4061 or by e-mail at mtilton@des.state.nh.us or Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,
COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Wilmot Conservation Commission
Wilmot Board of Selectmen
David Killoy, USACOE
David White, Town of Wilmot